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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,450	02/23/2004	Martin Ziliacus	042933/272474	8280
826	7590	07/30/2009	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			JAKOVAC, RYAN J	
			ART UNIT	PAPER NUMBER
			2445	
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			07/30/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/784,450

**Applicant(s)**

ZILLIACUS ET AL.

**Examiner**

RYAN J. JAKOVAC

**Art Unit**

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-19, 22-34, 36, 38, 39 and 41-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-19, 22-34, 36, 38-39, 41-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed 05/22/2009 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-3, 6-19, 22-34, 36, 38-39, 41-49 have been considered but are moot in view of the new ground(s) of rejection.

**Examiner's Note**

3. In an effort to aid compact prosecution and in order that a clear issue should be developed between the Examiner and the Applicant, the Applicant is requested to amend the independent claims to be of the same scope. In reply to this action the applicant should amend with a view to avoiding all the grounds of rejection and objection. MPEP § 706.07.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 7, 9, 18, 22, 25-27, 36, 38-39, 44, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Outlook 97 (hereinafter Outlook) in view of US 2005/0114453 to Hardt.

Regarding claim 1, 22, 25, 36, Outlook teaches a method comprising:

receiving a generic-recipient message at a network hub, wherein the generic-recipient message comprises a message sent to a group or community address (Outlook, pg. 86, 157-159, message sending using personal distribution list.);

determining predefined attributes of the message, wherein the predefined attributes comprise one or more of a sender of the message, subject of the message, or content of the message (Outlook, pg. 86, 157-159, sender of the message is determined as messages are routed through the server.);

determining a type of message (Outlook, pg. 55, 86, 157-159, server determines message to be outgoing email. Message is determined to be a distribution group message. Message is determined to be of an importance type.);

determining one or more recipients for the message based at least in part upon the determined type (Outlook, pg. 55, Server determines recipients for outgoing mail. The server determines recipients based on the message being a distribution group message. The importance level is assigned to the recipients email and marked by importance indicators.) and

Outlook does not expressly disclose, but Hardt discloses determining one or more recipients for the message further based at least in part upon the predefined attributes by comparing the predefined attributes of the message with stored information related to potential recipients (Hardt, [0022], [0068], the message is routed to recipients based on analysis of the title or body of the message. Rule based processing is used in accordance with recipient addresses and user account information.); and

Outlook discloses dispatching the message to the one or more determined recipients (Outlook, pg. 157-159, email distributed based on distribution group membership.).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Hardt with the teachings of Outlook in order to route messages based on attributes of the message such as the title or the body to specific recipients with a specialization in a particular area (Hardt, [0068].).

Regarding claim 2, 9, 18, 26, 38, 44, 48, the combination of Outlook and Hardt teaches the method of claim 1, wherein the step of receiving a generic-recipient message at a network hub further comprises receiving a generic-recipient message, chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message and voice message (Outlook, pg. 55, email.).

Regarding claim 7, 27, the combination of Outlook and Hardt teaches the network hub device of claim 22, the combination of Outlook and Hardt further comprising a display associated with the network hub that displays a message associated with a message identifier.

However, it would have obvious to one of ordinary skill at the time of the invention to combine a display associated with the network hub that displays a message associated with a message identifier with the teachings of Outlook and Hardt since incorporating a display at the network hub amounts to applying a known technique to a known device ready for improvement to yield predictable results. See MPEP 2141.

Regarding claim 3, 19, 39, 49, the combination of Outlook and Hardt teaches the method of claim 10, the combination of Outlook and Hardt does not expressly disclose wherein the step of receiving a generic-recipient message at a network hub further comprises receiving a generic-recipient message at a wireless network hub.

However, it would have obvious to one of ordinary skill at the time of the invention to combine receiving a generic-recipient message at a wireless network hub with the teachings of Outlook and Hardt since incorporating wireless technology amounts to applying a known technique to a known device ready for improvement to yield predictable results. See MPEP 2141.

6. Claims 10-17, 29, 30-34, 42, 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Outlook 97 (hereinafter Outlook) in view of US 2005/0149622 to Kirkland et al (hereinafter Kirkland).

Regarding claim, 10, 12-16, 29-34, 42, 45-47, the combination of Outlook and Kirkland teaches a method for prioritizing a generic recipient message at a network hub, the method comprising:

receiving a generic-recipient message at a network hub, wherein the generic- recipient message is comprises a message sent to a group or community address (Outlook, pg. 86, 157-159, message sending using personal distribution list.);

determining predefined attributes of the message, wherein the predefined attributes comprise one or more of a sender of the message, subject of the message, or content of the message (Outlook, pg. 86, 157-159, sender of the message is determined as messages are routed through the server.);

Outlook does not expressly disclose determining whether the message has priority based at least in part on the predefined attributes by comparing the predefined attributes of the message with pre- stored priority information; and prioritizing the message if a determination is made that the message has priority.

However, Kirkland discloses determining whether the message has priority based at least in part on the predefined attributes by comparing the predefined attributes of the message with pre- stored priority information; and prioritizing the message if a determination is made that the message has priority (Kirkland, abstract, priority level of a message is determined according to the subject of the message and the messages is delivered and displayed to the recipient according to the priority level.).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine determining whether the message has priority based at least in part on the predefined

attributes by comparing the predefined attributes of the message with pre-stored priority information; and prioritizing the message if a determination is made that the message has priority as taught by Kirkland with the method of Outlook in order to determine message priority based on the subject of the message (Kirkland, abstract, fig. 7.).

Regarding claim 11, the combination of Outlook and Kirkland teaches the method of claim 10, wherein the step of determining whether the message has priority based on the predefined attributes further comprises determining whether the message has display priority based on the predefined attributes (Outlook, pg. 55, priority is displayed.).

Regarding claim 17, the combination of Outlook and Kirkland teaches the method of claim 15, Albal teaches wherein the step of prioritizing the dispatch of the message if a determination is made that the message has dispatch priority further comprises the step of prioritizing the time of dispatch of the message if a determination is made that the message has time dispatch priority (Outlook, pg. 97, 100, timed delivery options.).

7. Claims 6, 8, 23-24, 28, 41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Outlook and Hardt and further in view of US 6,912,398 to Domnitz.

Regarding claim 8, the combination of Outlook and Hardt teaches the method of claim 7. The combination of Outlook and Hardt does not expressly disclose wherein the step of



displaying the message on a display further comprises displaying the message on a display associated with a radio frequency (RF) identifier.

However, Domnitz discloses wherein the step of displaying the message on a display further comprises displaying the message on a display associated with a radio frequency (RF) identifier (Domnitz, col. 5:30-50, fig. 1-3, displays associated with radio frequency identifiers.).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the step of displaying the message on a display further comprises displaying the message on a display associated with a radio frequency (RF) identifier as taught by Domnitz with the combination of Outlook and Hardt provide information to individuals based on their time and location (Domnitz, abstract, 5:30-50.).

Regarding claim 6, 28, 41, the combination of Outlook and Hardt teaches the network hub device of claim 27. The combination of Outlook and Hardt does not expressly disclose wherein the message identifier is further defined as a Radio Frequency (RF) identifier.

However, Domnitz discloses wherein the message identifier is further defined as a Radio Frequency (RF) identifier (Domnitz, col. 6:45 to 7:30.).

Regarding claim 43 the combination of Outlook and Hardt teaches the computer program product of claim 42.

Domnitz teaches wherein the fourth instructions for displaying the message on a display associated with the network hub further comprises fourth instructions for displaying the message, which is associated with a Radio Frequency (RF) identifier, on a display associated with the

network hub (Domnitz, fig. 1, email, PDA, pc, or cell phone display messages associated with a radio frequency identifier on displays associated with a network hub.).

Regarding claim 23, the combination of Outlook and Hardt teaches the network hub device of claim 22. Domnitz teaches further comprising a Radio Frequency (RF) transceiver for dispatching the messages to one or more determined recipients via lower power RF (Domnitz, fig. 1.).

Regarding claim 24, the combination of Outlook, Hardt, and Domnitz teaches the network hub device of claim 22, further comprising a Global System for Mobile communications (GSM) application for dispatching the message to one or more determined recipients via a digital cellular network (Domnitz, fig. 1.).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445